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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/885,139 | 06/20/2001 | Andrew Rouse | 23452-130 | 5198 |
| 29315 | 7590 | 12/15/2004 | EXAMINER | |
| MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC 12010 SUNSET HILLS ROAD SUITE 900 RESTON, VA 20190 | | | | BEAMER, TEMICA M |
| ART UNIT | | PAPER NUMBER | | |
| | | 2681 | | |

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/885,139 | ROUSE ET AL. |
| | Examiner | Art Unit |
| | Temica M. Beamer | 2681 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 June 2001.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-32 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-32 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date .

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .

5) Notice of Informal Patent Application (PTO-152)
6) Other: ____ .

DETAILED ACTION

Claim Objections

1. Claim 10 is objected to because of the following informalities: Please insert a period after "10". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7, 9-15, 17-23 and 25-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Jain, U.S. Patent No. 6,480,853.

Regarding claims 1, 9, 17 and 25, Jain discloses a method/system/storage medium for operating a search application via networkable media in a wireless client device (col. 4, lines 20-42), comprising the steps of: (a) selecting at least one search option for execution on the wireless client device; (b) using the search application to receive transmissible media content via a wireless medium; and (c) storing search data entered by a user in a file (bookmarked) associated with the wireless client device (col. 5, lines 34-57).

Regarding claims 2, 10, 18 and 26, Jain discloses a method/system/storage medium configured to select at least one of a form use option, a view customization option, a short cut option, a sort option, an edit search option, a store option, and an edit form option (col. 5, lines 46-57).

Regarding claims 3, 11, 19 and 21, Jain discloses a method/system/storage medium wherein the receiving of the transmissible media content comprises communicating via at least one of a Bluetooth protocol, a Wireless Application protocol, a Global System Mobile protocol, and a Wireless Markup Language protocol (inherent to Internet capable wireless devices) (col. 4, lines 34-42).

Regarding claims 4, 12, 20 and 28, Jain discloses a method/system/storage medium wherein the search data comprises at least one of search terms, search strings, form preferences, view preferences and user customized features (col. 5, lines 34-57).

Regarding claims 5, 13, 21 and 29, Jain discloses a method/system/storage medium wherein the transmissible media content comprises at least one of e-mail data, address data, calendar data, form data, navigation data, and search data (col. 5, lines 34-57).

Regarding claims 6, 14, 22 and 30, Jain discloses a method/system/storage medium wherein the transmissible media content is transmitted from a data source remote from the wireless client device (Internet) (col. 5, lines 34-44).

Regarding claims 7, 15, 23 and 31, Jain discloses a method/system/storage medium wherein the file is stored in the wireless client device (col. 6, lines 38-44).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 16, 24 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain in view of Holt et al (Holt), U.S. Patent No. 6,601,061.

Regarding claims 8, 16, 24 and 32, Jain discloses the method/system/storage medium for operating a search application as described above. Jain, however, fails to disclose wherein the file is stored remotely from the wireless client device.

In a similar field of endeavor, Holt discloses scalable information search and retrieval including use of special purpose searching resources. Holt further discloses wherein file information such as user requested searches are stored (i.e., cached) remotely from the wireless client device (col. 9, lines 49-58).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Jain with the teachings of Holt for the purpose of helping to determine if high-frequency search information is current (Holt, col. 9, lines 37-58).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eyal, U.S. Patent No. 6,725,275, discloses streaming media search and continuous playback of multiple media resources located on a network.

Dutta et al, U.S. Patent No. 6,636,854, discloses a method and system for augmenting web-indexed search engine results with peer-to-peer search results.

Barth et al, U.S. Pub. No. 2001/0054020, discloses a method and apparatus for a dynamic information connection engine.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (703) 306-5837. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temica M. Beamer
Temica M. Beamer
Primary Examiner
Art Unit 2681

December 13, 2004